

plant, the NRC established a senior-level agency task force referred to as the Near-Term Task Force (NTTF). The NTTF was tasked with conducting a systematic and methodical review of the NRC regulations and processes, and determining if the agency should make additional improvements to these programs in light of the events at Fukushima Dai-ichi. As a result of this review, the NTTF developed a comprehensive set of recommendations, documented in SECY-11-0093, "Near-Term Report and Recommendations for Agency Actions Following the Events in Japan," dated July 12, 2011 (ADAMS Accession No. ML11186A950). These recommendations were enhanced by the NRC staff following interactions with stakeholders. Documentation of the staff's efforts is contained in SECY-11-0124, "Recommended Actions to be Taken without Delay from the Near-Term Task Force Report," dated September 9, 2011 (ADAMS Accession No. ML11245A158) and SECY-11-0137, "Prioritization of Recommended Actions to be Taken in Response to Fukushima Lessons Learned," dated October 3, 2011 (ADAMS Accession No. ML11272A111).

As directed by the Commission's staff requirement memorandum (SRM) for SECY-11-0093 (ADAMS Accession No. ML112310021), the NRC staff reviewed the NTTF recommendations within the context of the NRC's existing regulatory framework and considered the various regulatory vehicles available to the NRC to implement the recommendations. SECY-11-0124 and SECY-11-0137 established the staff's prioritization of the recommendations based upon the potential for each recommendation to enhance safety.

After receiving the Commission's direction in SRM-SECY-11-0124 (ADAMS Accession No. ML112911571) and SRM-SECY-11-0137 (ADAMS Accession No. ML113490055), the NRC staff conducted public meetings to discuss enhanced mitigation strategies intended to maintain or restore core cooling, containment, and SFP cooling capabilities following beyond-design-basis external events. At these meetings, the industry described its proposal for a Diverse and Flexible Mitigation Capability (FLEX), as documented in the Nuclear Energy Institute's (NEI's) letter, dated December 16, 2011 (ADAMS Accession No. ML11353A008). FLEX is proposed as a strategy to fulfill the key safety functions of core cooling, containment integrity, and spent fuel cooling. Stakeholder input influenced the staff to pursue a more performance-based approach to improve the safety of operating power reactors than was

originally envisioned in NTTF Recommendation 4.2, SECY-11-0124, and SECY-11-0137.

On February 17, 2012, the NRC staff provided SECY-12-0025, "Proposed Orders and Requests for Information in Response to Lessons Learned from Japan's March 11, 2011, Great Tohoku Earthquake and Tsunami" (ADAMS Accession No. ML12039A103) to the Commission, including the proposed order to implement the enhanced mitigation strategies. As directed by SRM-SECY-12-0025 (ADAMS Accession No. ML120690347), the NRC staff issued Order EA-12-049, "Order Modifying Licenses with Regard to Requirements for Mitigation Strategies for Beyond-Design-Basis External Events" (ADAMS Accession No. ML12073A195). On March 30, 2012, the Commission issued memorandum and Order CLI-12-09, "In the Matter of South Carolina Electric & Gas Co. and South Carolina Public Service Authority (Also Referred to as Santee Cooper; Virgil C. Summer Nuclear Station, Units 2 and 3)," (ADAMS Accession No. ML12090A531), which includes the requirements for mitigation strategies as a license condition for Virgil C. Summer Nuclear Station, Units 2 and 3.

Guidance and strategies required by the Order would be available if the loss of power, motive force and normal access to the ultimate heat sink to prevent fuel damage in the reactor, and SFP affected all units at a site simultaneously. The Order requires a three-phase approach for mitigating beyond-design-basis external events. The initial phase requires the use of installed equipment and resources to maintain or restore core cooling, containment, and SFP cooling. The transition phase requires providing sufficient, portable, onsite equipment and consumables to maintain or restore these functions until they can be accomplished with resources brought from off site. The final phase requires obtaining sufficient offsite resources to sustain those functions indefinitely.

On May 4, 2012, NEI submitted document 12-06, "Diverse and Flexible Coping Strategies (FLEX) Implementation Guide," Revision B (ADAMS Accession No. ML12128A124), and on May 13, 2012, Revision B1 (ADAMS Accession No. ML12143A232), to provide specifications for an industry-developed methodology for the development, implementation, and maintenance of guidance and strategies in response to the mitigating strategies Order. The strategies and guidance described in NEI 12-06 expand on the strategies the industry developed and implemented to address the limited set

of beyond-design-basis external events that involve the loss of a large area of the plant due to explosions and fire required pursuant to paragraph (hh)(2) of Title 10 of the *Code of Federal Regulations* (10 CFR) 50.54, "Conditions of licenses."

#### Proposed Action

By this action, the NRC is requesting public comments on draft JLD-ISG-2012-01. This draft JLD-ISG proposes guidance related to requirements contained in Order EA-12-049, Mitigation Strategies for Beyond-Design-Basis External Events. The NRC staff will make a final determination regarding issuance of the JLD-ISG after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 31st day of May, 2012.

For the Nuclear Regulatory Commission.

**David L. Skeen,**

*Director, Japan Lessons-Learned Project Directorate, Office of Nuclear Reactor Regulation.*

[FR Doc. 2012-13810 Filed 6-6-12; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[NRC-2012-0067]

### Interim Staff Guidance JLD-ISG-2012-03; Compliance with Order EA-12-051, Order Modifying Licenses With Regard to Reliable Spent Fuel Pool Instrumentation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Draft Japan Lessons-Learned Project Directorate guidance; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC or the Commission) is issuing the draft Japan Lessons-Learned Project Directorate Interim Staff Guidance (JLD-ISG), JLD-ISG-2012-03, "Compliance With Order EA-12-051, Order Modifying Licenses With Regard to Reliable Spent Fuel Pool Instrumentation." This JLD-ISG provides guidance and clarification to assist nuclear power reactor applicants and licensees with the identification of measures needed to comply with requirements to install enhanced spent fuel pool monitoring capability.

**DATES:** Comments must be filed no later than July 7, 2012. Comments received after this date will be considered, if it is practical to do so, but the NRC staff is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may access information and comment submissions related to this document, which the NRC possesses and are publically available, by searching on <http://www.regulations.gov> under Docket ID NRC-2012-0067. You may submit comments by the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0067. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

- *Mail comments to:* Cindy Bladey, Chief, Rules, Announcements, and Directives Branch (RADB), Office of Administration, Mail Stop: TWB-05-B01M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

- *Fax comments to:* RADB at 301-492-3446.

For additional direction on accessing information and submitting comments, see “Accessing Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Lisa M. Regner, Japan Lessons Learned Project Directorate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1906; email: [Lisa.Regner@nrc.gov](mailto:Lisa.Regner@nrc.gov).

#### **SUPPLEMENTARY INFORMATION:**

### **I. Accessing Information and Submitting Comments**

#### *A. Accessing Information*

Please refer to Docket ID NRC-2012-0067 when contacting the NRC about the availability of information regarding this document. You may access information related to this document by the following methods:

- *Federal Rulemaking Web Site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0067.

- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The draft JLD-

ISG-2012-03 is available in ADAMS under Accession No. ML12144A323.

- *NRC’s Interim Staff Guidance Web Site:* JLD-ISG documents are also available online under the “Japan Lessons Learned” heading at <http://www.nrc.gov/reading-rm/doc-collections/#int>.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

- *Public Meeting:* Information on the draft ISG will be provided at a public meeting on June 21, 2012, from 9:00 a.m. to 11:00 a.m. in the Commissioner’s Hearing Room at NRC Headquarters, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738 (ADAMS Accession No. ML12146A025).

#### *B. Submitting Comments*

Please include Docket ID NRC-2012-0067 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed. The NRC posts all comment submissions at <http://www.regulations.gov> as well as entering the comment submissions into ADAMS, and the NRC does not edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information in their comment submissions that they do not want to be publicly disclosed. Your request should state that the NRC will not edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

### **II. Background Information**

This draft interim staff guidance (ISG) is being issued to describe to the public methods acceptable to the NRC staff for complying with Order EA-12-051, “Order Modifying Licenses with Regard to Reliable Spent Fuel Pool Instrumentation (Effective Immediately)” (Order EA-12-051), issued March 12, 2012 (ADAMS Accession No. ML12056A044). This draft ISG endorses, with exceptions, the methodologies described in the industry guidance document, Nuclear Energy Institute (NEI) 12-02, *Industry Guidance for Compliance with NRC Order EA-12-*

*051, “To Modify Licenses with Regard to Reliable Spent Fuel Pool*

*Instrumentation”* (NEI 12-02), Revision B. The draft ISG is not a substitute for the requirements in Order EA-12-051, and compliance with the ISG not required. This ISG is being issued in draft form for public comment to involve the public in development of the implementation guidance.

The U.S. Nuclear Regulatory Commission (NRC) issued Order EA-12-051 following the NRC staff’s evaluation of the earthquake and tsunami, and resulting nuclear accident, at the Fukushima Dai-ichi nuclear power plant in March 2011. Order EA-12-051 requires all licensees and construction permit (CP) holders to provide safety enhancements in the form of reliable spent fuel pool instrumentation for beyond-design-basis external events. Order EA-12-051 also requires the NRC staff to issue final interim staff guidance in August 2012 to provide additional details on an acceptable approach for complying with Order EA-12-051.

Following the events at the Fukushima Dai-ichi nuclear power plant, the NRC established a senior-level agency task force referred to as the Near-Term Task Force (NTTF). The NTTF conducted a systematic and methodical review of the NRC regulations and processes, and determined if the agency should make additional improvements to these programs in light of the events at Fukushima Dai-ichi.

As a result of this review, the NTTF developed a comprehensive set of recommendations, documented in SECY-11-0093, Near-Term Report and Recommendations for Agency Actions Following the Events in Japan, dated July 19, 2011. These recommendations were modified by the NRC staff following interactions with stakeholders. Documentation of the NRC staff’s efforts is contained in SECY-11-0124, Recommended Actions To Be Taken Without Delay From the Near Term Task Force Report, dated September 9, 2011, and SECY-11-0137, Prioritization of Recommended Actions To Be Taken in Response to Fukushima Lessons Learned, dated October 3, 2011. SECY-11-0124 and SECY-11-0137 established the NRC staff’s prioritization of the recommendation based upon the potential for each recommendation to enhance safety.

As discussed in the Staff Requirements Memorandum associated with SECY-12-0025, Proposed Orders and Requests for Information in Response to Lessons Learned from Japan’s March 11, 2011, Great Tohoku Earthquake and Tsunami, dated March

9, 2012, the Commission determined that the additional requirements in Order EA-12-051 represent “a substantial increase in the protection of public health and safety.”

Consequently, the Commission decided to administratively exempt this Order from applicable provisions of the Backfit Rule, Title 10 of the *Code of Federal Regulations* (10 CFR), 50.109, and the issue finality requirements in 10 CFR part 52.

As required by Order EA-12-051, the NRC staff is issuing a draft version of JLD-ISG-12-03 to provide additional details on an acceptable approach for complying with Order EA-12-051 requirements. The staff intends to issue the final ISG in August 2012 following consideration of public comments.

Numerous public meetings were held to receive stakeholder input on the proposed requirement for spent fuel pool instrumentation enhancements prior to issuance of Order EA-12-051. Following issuance of Order EA-12-051, several more public meetings were held with representatives from the NEI task force to discuss development of the guidance for compliance with Order EA-12-051. By letter dated May 11, 2012, the NEI task force submitted a guidance document for the implementation of Order EA-12-051 and requested the NRC endorsement.

#### Proposed Action

By this action, the NRC is requesting public comments on draft JLD-ISG-2012-03. This ISG proposes guidance related to requirements contained in Order EA-12-051, Reliable Spent Fuel Pool Instrumentation. The NRC staff will make a final determination regarding issuance of the JLD-ISG after it considers any public comments received in response to this request.

Dated at Rockville, Maryland, this 31st day of May 2012.

For the Nuclear Regulatory Commission.

**David L. Skeen,**

*Director, Japan Lessons-Learned Project Directorate, Office of Nuclear Reactor Regulation.*

[FR Doc. 2012-13811 Filed 6-6-12; 8:45 am]

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## NUCLEAR REGULATORY COMMISSION

[Docket No. 040-08502; NRC-2012-0120]

### License Amendment To Construct and Operate New In Situ Leach Uranium Recovery Facility; Uranium One Americas; Ludeman

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment request; opportunity to request a hearing and to petition for leave to intervene, and Commission order.

**DATES:** Requests for a hearing or leave to intervene must be filed by August 6, 2012. Any potential party as defined in Title 10 of the *Code of Federal Regulations* (10 CFR) 2.4, who believes access to sensitive unclassified non-safeguards information (SUNSI) is necessary to respond to this notice must request document access by June 18, 2012.

**ADDRESSES:** Please refer to Docket ID NRC-2012-0120 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and are publicly available, using any of the following methods:

- *Federal Rulemaking Web site:* Go to <http://www.regulations.gov> and search for Docket ID NRC-2012-0120. Address questions about NRC dockets to Carol Gallagher; telephone: 301-492-3668; email: [Carol.Gallagher@nrc.gov](mailto:Carol.Gallagher@nrc.gov).

*NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1-800-397-4209, 301-415-4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The ADAMS accession number for each document referenced in this notice (if that document is available in ADAMS) is provided the first time that a document is referenced. The Ludeman facility *In Situ* Leach Uranium Recovery Project License Amendment Request is available electronically under ADAMS Accession No. ML120120182. The license amendment request and additional supporting documents can be found in ADAMS under Accession Nos. ML120120182, ML120880043, ML120870451, and ML12128A244. Documents related to the application can be found in ADAMS under Docket No. 04008502.

- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

**FOR FURTHER INFORMATION CONTACT:** John T. Buckley, Senior Project Manager, Reactor Decommissioning Branch, Division of Waste Management and

Environmental Protection, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-6607; email: [John.Buckley@nrc.gov](mailto:John.Buckley@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Introduction

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has received, by letter dated December 5, 2011, a request to amend Source Material License SUA-1341 to construct and operate a new *in situ* leach uranium recovery (ISL) facility at its Ludeman facility in Converse County, Wyoming.

An NRC administrative completeness review found the application acceptable for a technical review (ADAMS Accession No. ML12131A322). Prior to approving the license amendment request, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the NRC's regulations. The NRC's findings will be documented in a safety evaluation report and an environmental review report. The environmental review report will be the subject of a subsequent notice in the **Federal Register**.

##### II. Opportunity To Request a Hearing and Petitions for Leave To Intervene

The NRC hereby provides note that this is a proceeding on an amendment to Source Material License SUA-1341 to construct and operate a new ISL uranium recovery facility at its Ludeman facility in Converse County, Wyoming. Requirements for hearing requests and petitions for leave to intervene are found in 10 CFR 2.309, “Hearing Requests, Petitions to Intervene, Requirements for Standing, and Contentions.” Interested persons should consult 10 CFR 2.309, which is available at the NRC's PDR, Room O1-F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852 (or call the PDR at 1-800-397-4209 or 301-415-4737). The NRC's regulations are also accessible online in the NRC's Library at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>.

Any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene in accordance with the filing instructions in Section III of this document. As required by 10 CFR 2.309, a petition for leave to intervene shall set forth with particularity the interest of the